

**ASSEMBLY BILL**

**No. 406**

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**Introduced by Assembly Members Torres and Bloom**

February 15, 2013

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An act to amend Section 18961.7 of the Welfare and Institutions Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 406, as introduced, Torres. Child abuse reporting.

Existing law, until January 1, 2014, authorizes counties to establish a child abuse multidisciplinary personnel team, as defined, to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making detention determinations, as specified. Existing law authorizes members of the team, for 30 days, or longer if good cause exists, following a report of suspected child abuse or neglect, to disclose to and exchange with one another information and writings related to any incident of child abuse that are designated as confidential if the member of the team reasonably believes it is relevant to the prevention, identification, or treatment of child abuse. Existing law authorizes the disclosure and exchange of this information to occur telephonically and electronically if there is adequate verification of the identity of the multidisciplinary personnel who are involved in that disclosure or exchange of information. Existing law requires that the sharing of information permitted in the period following a report of suspected child abuse or neglect be governed by protocols developed in each county describing how and what information may be shared to ensure that confidential information is not disclosed in violation of state or federal law.

This bill would delete the repeal of these provisions, thereby making them operate indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18961.7 of the Welfare and Institutions  
2 Code is amended to read:

3 18961.7. (a) Notwithstanding any other provision of law, a  
4 county may establish a child abuse multidisciplinary personnel  
5 team within that county to allow provider agencies to share  
6 confidential information in order for provider agencies to  
7 investigate reports of suspected child abuse or neglect made  
8 pursuant to Section 11160, 11166, or 11166.05 of the Penal Code,  
9 or for the purpose of child welfare agencies making a detention  
10 determination.

11 (b) For the purposes of this section, the following terms shall  
12 have the following meanings:

13 (1) “Child abuse multidisciplinary personnel team” means any  
14 team of two or more persons who are trained in the prevention,  
15 identification, or treatment of child abuse and neglect cases and  
16 who are qualified to provide a broad range of services related to  
17 child abuse. The team may include, but shall not be limited to:

18 (A) Psychiatrists, psychologists, marriage and family therapists,  
19 or other trained counseling personnel.

20 (B) Police officers or other law enforcement agents.

21 (C) Medical personnel with sufficient training to provide health  
22 services.

23 (D) Social services workers with experience or training in child  
24 abuse prevention.

25 (E) Any public or private school teacher, administrative officer,  
26 supervisor of child welfare attendance, or certified pupil personnel  
27 employee.

28 (2) “Provider agency” means any governmental or other agency  
29 that has as one of its purposes the prevention, identification,  
30 management, or treatment of child abuse or neglect. The provider  
31 agencies serving children and their families that may share  
32 information under this section shall include, but not be limited to,  
33 the following entities or service agencies:

- 1 (A) Social services.
- 2 (B) Children's services.
- 3 (C) Health services.
- 4 (D) Mental health services.
- 5 (E) Probation.
- 6 (F) Law enforcement.
- 7 (G) Schools.

8 (c) (1) Notwithstanding Section 827 of the Welfare and  
9 Institutions Code or any other provision of law, during a 30-day  
10 period, or longer if documented good cause exists, following a  
11 report of suspected child abuse or neglect, members of a child  
12 abuse multidisciplinary personnel team engaged in the prevention,  
13 identification, and treatment of child abuse may disclose to and  
14 exchange with one another information and writings that relate to  
15 any incident of child abuse that may also be designated as  
16 confidential under state law if the member of the team having that  
17 information or writing reasonably believes it is generally relevant  
18 to the prevention, identification, or treatment of child abuse. Any  
19 discussion relative to the disclosure or exchange of the information  
20 or writings during a team meeting is confidential and,  
21 notwithstanding any other provision of law, testimony concerning  
22 that discussion is not admissible in any criminal, civil, or juvenile  
23 court proceeding.

24 (2) Disclosure and exchange of information pursuant to this  
25 section may occur telephonically and electronically if there is  
26 adequate verification of the identity of the child abuse  
27 multidisciplinary personnel who are involved in that disclosure or  
28 exchange of information.

29 (3) Disclosure and exchange of information pursuant to this  
30 section shall not be made to anyone other than members of the  
31 child abuse multidisciplinary personnel team, and those qualified  
32 to receive information as set forth in subdivision (d).

33 (d) The child abuse multidisciplinary personnel team may  
34 designate persons qualified pursuant to paragraph (1) of subdivision  
35 (b) to be a member of the team for a particular case. A person  
36 designated as a team member pursuant to this subdivision may  
37 receive and disclose relevant information and records, subject to  
38 the confidentiality provisions of subdivision (f).

39 (e) The sharing of information permitted under subdivision (c)  
40 shall be governed by protocols developed in each county describing

1 how and what information may be shared by the child abuse  
2 multidisciplinary team to ensure that confidential information  
3 gathered by the team is not disclosed in violation of state or federal  
4 law. A copy of the protocols shall be distributed to each  
5 participating agency and to persons in those agencies who  
6 participate in the child abuse multidisciplinary team.

7 (f) Every member of the child abuse multidisciplinary personnel  
8 team who receives information or records regarding children and  
9 families in his or her capacity as a member of the team shall be  
10 under the same privacy and confidentiality obligations and subject  
11 to the same confidentiality penalties as the person disclosing or  
12 providing the information or records. The information or records  
13 obtained shall be maintained in a manner that ensures the maximum  
14 protection of privacy and confidentiality rights.

15 (g) This section shall not be construed to restrict guarantees of  
16 confidentiality provided under state or federal law.

17 (h) Information and records communicated or provided to the  
18 team members by all providers and agencies, as well as information  
19 and records created in the course of a child abuse or neglect  
20 investigation, shall be deemed private and confidential and shall  
21 be protected from discovery and disclosure by all applicable  
22 statutory and common law protections. Existing civil and criminal  
23 penalties shall apply to the inappropriate disclosure of information  
24 held by the team members.

25 ~~(i) This section shall remain in effect only until January 1, 2014,~~  
26 ~~and as of that date is repealed.~~